

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ANTONINA REUTOV,

Plaintiff,

Case No. 3:20-cv-01181-AR

v.

OPINION AND ORDER

**TATANCA HEALTH CARE PLAN,
TATANCA HEALTH CARE PLAN
BOARD OF TRUSTEES,** d/b/a Omnis
Benefit Administrator,

Defendants.

MOSMAN, J.,

On April 28, 2022, Magistrate Judge Jeffrey Armistead issued his Findings and Recommendation (“F&R”) [ECF 52], recommending that I deny without prejudice Plaintiff Antonina Reutov’s Motion for Default Judgment [ECF 48]. Objections were due May 12, 2022, but none were filed. Upon review, I agree with Judge Armistead.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of


the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Armistead recommendation and I ADOPT the F&R [ECF 52] as my own opinion. I DENY Plaintiff's Motion for Default Judgment [ECF 48] without prejudice.

IT IS SO ORDERED.

DATED this 16th day of May, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge